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on Tuesday, 9 February 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. BROTODININGRAT (Indonesia)

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STATEMENT BY MR DOUGLAS HOGG, MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1. Mr. HOGG (Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland) said that the work of the Commission, as the principal United Nations authority on human rights, was of particular importance and its decisions were not lightly ignored by those who would abuse human rights. Since the adoption, over 44 years previously, of the Universal Declaration of Human Rights, a system of international instruments had been created to safeguard the basic rights of the individual. Those instruments constituted universal criteria by which the international community could judge whether human rights were been respected or not in various countries. The dramatic political changes that had occurred throughout the world during the past few years had offered the United Nations the possibility of more effective action in all fields, and particularly in the field of human rights. More and more States had adopted new legislation or made changes to conform to international human rights standards and new institutions aimed at promoting and protecting human rights had been set up throughout the world. It was in that positive climate that the World Conference on Human Rights would take place in Vienna in June 1993 and would enable all States Members of the United Nations to demonstrate that, whatever differences might exist between them, they shared the same determination to give the highest priority to respect for human rights throughout the world.

2. His Government condemned absolutely and without hesitation the violations of human rights that were being committed in the world and particularly in the former Yugoslavia, where they were perpetrated by all sides in the conflict. He condemned the policy of "ethnic cleansing", a term which covered abominable practices that the international community could not tolerate. His Government strongly supported the efforts made by the United Nations to bring the conflict to an end, and particularly the work done by Lord Owen and Mr. Vance in connection with the negotiation process under way in Geneva. He also commended Mr. Mazowiecki, the Special Rapporteur appointed by the Commission at its first special session, as well as Dame Anne Warburton who had been in charge of the mission investigating the rape of Muslim women in the former Yugoslavia and who would shortly submit her report to the United Nations Commission of Experts.

3. The turmoil in the former Yugoslavia was part of a groundswell of "ethno-nationalism", which might also emerge in Eastern Europe and in the former Soviet Union, and thus present a threat to the stability of the region. It was therefore vital that the international community should find ways of helping national minorities to resolve their problems through peaceful means since armed conflict and secession simply increased the suffering of the innocent. Ethnic conflicts and minority issues occupied an important place in the Commission's work and their solution would require a delicate combination of diplomacy and practical measures. In that connection the United Kingdom was gratified by the General Assembly's adoption of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities. It would make every effort to implement its provisions nationally and called upon other States to do the same. It also welcomed the efforts of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities on the subject. The report of the Special Rapporteur on possible ways and means of finding peaceful and constructive solutions to problems involving minorities rightly emphasized the importance of studying experience at the national level. Despite the progress made, much still remained to be done and the United Kingdom would not shirk its responsibilities in that respect.

4. The situation of street children was also a source of serious concern, since children constituted one of the most vulnerable groups of society and deserved special and priority attention. In the developing countries, their plight was often explained by migration to urban areas, unemployment, poverty and broken families, and in the industrialised countries by the expansion of large cities and abandonment, their deprivation often leading to crime, drug abuse and prostitution. It was estimated that there were some 30 million street children in the world at the present time. In view of the magnitude of the problem, the United Kingdom had, together with its European Community partners, introduced a resolution on the question at the last session of the General Assembly; it was pleased that the resolution had been adopted by consensus. The Commission should continue its work on the question of street children and devote all the time that was necessary to the matter.

5. Yugoslavia was unfortunately only one among many other countries in which arose serious problems connected with failure to respect human rights. The United Kingdom was deeply concerned by the situation in the occupied territories. The Government condemned the recent deportation of Palestinians and urged Israel to comply fully with Security Council resolution 799 (1992). Israel had already taken a considerable step in the right direction and it was to be hoped that it would build on what it had already done. The deportations was symptomatic of the escalation of violence in all the occupied territories since the beginning of the intifada which had been brutally repressed by the Israeli Defence Force. If the Israeli Government wished to avoid censure by the international community it must examine and change its administrative and military practices in the occupied territories and comply with its obligations under the Fourth Geneva Convention of 1949.

6. In the Sudan there were none of the fundamental conditions for a democratic society. The most fundamental of human rights were constantly being flouted and humanitarian aid all too often did not get through to those who were desperately in need. Since the international community's appeals to the Sudanese Government had remained unanswered, the General Assembly had, in December 1992, adopted a resolution on the matter and the European Community had asked that independent observers should be allowed unhindered access to all areas where human rights violations had occurred. The Commission's present session offered the international community a further opportunity to help ensure that human rights were fully respected in Sudan. That opportunity should not be wasted.

7. With respect to Iran, the British Government had always considered that the fatwa pronounced by the late Ayatollah Khomeiny against the British author Salman Rushdie and since reaffirmed by senior figures in the Islamic Republic of Iran was nothing but an incitement to murder and an unacceptable violation of the most elementary principles and obligations governing relations between States, and furthermore that it constituted an inadmissible breach of Mr. Rushdie's fundamental rights. The United Kingdom had a very great respect for Islam, which was one of the great religions of the world, as well as its traditions and fully understood the offence caused to Muslims throughout the world by Mr. Rushdie's book; however it considered that Iran was doing no service to that great tradition by its failure to repudiate that incitement to murder. It was to be hoped that all States and international organizations would recognise that the matter involved a serious human rights problem and would rally behind Mr. Rushdie's cause.

8. Iraq was an exceptional case. The Iraqi Government still refused to implement Security Council resolutions 688 (1991) and authorize United Nations observers to monitor the human rights situation on the spot. The latest reports of the Special Rapporteur on the question clearly demonstrated that the Iraqi regime continued to disregard the welfare and basic human rights of its own citizens. The international community must therefore continue to do all it could to improve that unacceptable situation.

9. Burma was another country where repression of human rights had become institutionalized. Its military regime steadfastly refused to accept the result of the 1990 elections which had given a substantial majority to the party of Daw Aung Suu Kyi. The fact that she had been awarded the Nobel Peace Prize reflected international recognition of the desire of the Burmese people for a peaceful transition from a repressive military regime to a democratic system. It was to be hoped that the Commission would give the regime in Burma no comfort so long as it refused to implement democracy and respect human rights.

10. The United Kingdom's support for the human rights work of the United Nations was as firm as ever. It hoped that the Commission would become even more effective in ensuring respect for human rights as well as for principles for international law throughout the world. That would be achieved through the advisory services work of the Commission, and he was pleased to announce in that connection that the United Kingdom would make a further contribution of £25,000 to the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA; REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1993/14, E/CN:4/1992/8; A/47/670)

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (agenda item 6) (continued) (E/CN.4/Sub.2/1992/12 and Add.1)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 15) (continued) (E/CN.4/1993/52 and Add.1 to 7; E/CN.4/1993/53 and 54)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 16) (continued) (E/CN.4/1993/55 and 56; E/CN.4/Sub.2/1992/11; A/47/432)

11. Mr. ERMACORA (Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa), introducing the Group's report (E/CN.4/1993/14) covering the period from January to December 1992, said that, in accordance with its mandate, the Group had continued to monitor cases of torture and ill-treatment of detainees as well as deaths during detention or police custody. It had also given special attention to the possibility of restoring to the vast majority of South Africa's people their human right to participate in the Government of their country within a democratic framework. Since it had been unable, despite repeated requests, to obtain the South African Government's authorization to visit the country the Working Group had had no alternative but to proceed to

Zimbabwe and Botswana to gather evidence from individuals and representatives of human rights organizations. It had heard 17 witnesses there and two in Geneva. He mentioned in that connection that the Working Group's preliminary report covering the period from 1 January to 31 August 1992 had been submitted to the General Assembly at its forty-seventh session (A/47/676).

12. Of all the events that had been brought to the Working Group's attention, the Boipatong massacre which had resulted in 45 deaths was the most serious. It was owing to that massacre that ANC had decided to break off negotiations with the South African authorities and not to return to the negotiating table until all political prisoners had been released. In September 1992, 120 political prisoners had been released and 13 police officials had been relieved of their duties in accordance with the recommendations contained in the Waddington report. That constituted the first phase of efforts to reform the police. Another encouraging step had been the promotion for the first time of 3 non-White police officers to the rank of Major-General. The Working Group had taken note of the South African Parliament's decision of 20 October 1992 to amend the law in order to enable Blacks to serve in the cabinet. However, he regretted that, under the Further Indemnity Bill, the South African authorities could grant immunity to members of the security forces who had allegedly killed political opponents or protected them from prosecution.

13. In spite of some encouraging trends, the situation regarding the right to life remained far from satisfactory. Less than three months after the Boipatong massacre, the armed forces of Ciskei had fired into a group of ANC demonstrators protesting the lack of political freedom in that homeland, killing about 29 of them. According to media accounts, the Goldstone Commission appointed by the Government of South Africa to look into the question of violence in the country stated in its report that the shooting of innocent demonstrators was "morally and legally indefencable". Moreover the South African government's attitude to ANC remained ambiguous. It had been disclosed that, eight months after the start of the CODESA talks, the Government had launched an effort to discredit ANC abroad, and a further "dirty tricks" operation had allegedly been organised to destabilize it. The Working Group was particularly concerned by reports of the alleged implication of some of the highest ranking government officials who had been conducting the constitutional negotiations.

14. The Working Group was also extremely concerned by the South African Government's plan to transfer land to the so-called homelands. In addition to the 3 million hectares already transferred to six homelands in March 1992, the Government was allegedly intending to transfer 600,000 hectares to KwaZulu and 600,000 hectares to other homelands to strengthen KwaZulu in a future federal unit; that step appeared to be in contradiction with the 1991 White Paper on Land Reform, in which the Government had abandoned the apartheid-related policy of land allocation.

15. The number of deaths due to political violence was steadily increasing. During the year under review, 3,150 deaths and 4,657 injured had been recorded. The resulting climate of insecurity and uncertainty perpetuated the abuse of fundamental human rights even as the institutions of apartheid were coming down. In view of the serious situation of children being detained in South African prisons, the Working Group supported the initiatives recently taken by various South African organizations, such as Lawyers for Human Rights and the National Association of Democratic Lawyers in their campaign to offer free legal aid to such children. The Working Group also stressed the need to provide

eye-witnesses of incidents of violence with the necessary protection against any form of victimization. Lastly, in its conclusions and recommendations the Working Group requested the Commission on Human Rights to invite the South African Government to create appropriate conditions that would facilitate the active participation of all parties concerned in the process of creating a non-racial and democratic constitution.

16. Mr. Brotodiningrat took the Chair.

17. Mr. BENNETT (Australia), speaking on agenda item 16, said it was most unfortunate that millions of people were daily subjected daily to racism and racial discrimination. Recent incidents involving minorities in Europe and central Asia were a source of particular concern. The fight against racism should include educative and legislative measures in order to eliminate the ignorance and prejudice underlying racism, and legislation providing safeguards and judicial recourse against racist acts. The organization of seminars and the publication of works on racial discrimination would also contribute to the elimination of racist attitudes.

18. His delegation noted with concern that some activities under the Programme of Action of the Second Decade had not been carried out for lack of resources; it strongly urged States to remedy that situation and co-operate with the Secretary-General in carrying out the Programme for the second half of the Decade. The Australian Government, for its part, was sponsoring, in conjunction with the Secretary-General, an international seminar on the role of national institutions in combating racism, which was to be held in Australia during April 1993. It was vital that the entire international community should participate in the struggle against racism, especially through the Convention on the Elimination of all forms of Racial Discrimination. His Government had noted with satisfaction that, in 1992, the States parties to the Convention and the United Nations General Assembly had approved regular budget funding for the Committee on the Elimination of Racial Discrimination. However, before regular budget funds became available, two-thirds of States parties had to signify their agreement with the proposed amendment. The Australian Government was at present doing so and hoped that other States parties would follow suit.

19. Moreover, and in order to strengthen Australia's own compliance with the Convention, Australia had lodged a formal instrument declaring its acceptance of article 14, namely, acknowledging the competence of the Committee to receive and consider complaints from individuals or groups of individuals within Australia that they were victims of violations by Australia of rights contained in the Convention.

20. The Australian authorities were particularly sensitive to the question of discrimination since Australia itself had, in the words of the Prime Minister, "practised discrimination and exclusion" against indigenous Australians. It now attached the greatest importance to reconciliation between indigenous and non-indigenous Australians. While multi-culturalism was working well in Australia, there had been serious incidents of violence, harassment and intimidation against non-English speaking people, as was revealed in the national enquiry into racist violence submitted in April 1991. At the same time the Australian Government had launched a community relations strategy designed to bring about changes in public attitudes to those persons. Convinced that racism could poison the harmony of society and that indigenous inhabitants and

ethnic groups could make invaluable contributions to society, the Australian Government was determined to meet the challenge of racism both within Australia as well as internationally.

21. Mr. LARSEN (Observer for Denmark), speaking on behalf of the European Community on agenda item 5, said he was encouraged by the resumption of contacts between various parties in South Africa. However, noting that violence was continuing, he recalled that the South African Government was under an obligation to respect, protect and promote the human rights of all its citizens and urged it to take the necessary steps to put in place a transitional administration before the end of the year. He also urged all political forces to refrain from violence.

22. The European Community had deplored the Boipatong massacre of 17 June 1992 and not only it but also its member States had taken various steps during the previous few months to reinforce the current process aimed at achieving a national peace accord. A European Community Observer Team of 15 comprising police officers, diplomats and an economist had accordingly been despatched to South Africa to join Observers from the United Nations and other organizations in accordance with Security Council resolution 772 (1992). Furthermore, six police experts from European Community countries had joined Judge Goldstone's investigative task forces. The European Community was also helping the victims of apartheid. Lastly, a very large majority of European Community companies with subsidiaries in South Africa were applying a code of conduct adopted by the European Community and aimed at racial integration.

23. He hoped that fully democratic elections would be held as soon as possible in South Africa and that forthcoming constitutional negotiations and the elections would also settle the question of the so-called "independent" homelands; meanwhile, all parties should give practical effect in the homelands to the provisions of the national peace accord. Although he welcomed with satisfaction the release of about 400 political prisoners the previous autumn, he was nevertheless deeply concerned about allegations of the ill-treatment of people in police custody. Similarly, although the return of a large number of political exiles was also gratifying, allegations of serious mistreatment of returnees and their families were worrying. In that connection the European Community called upon the South African Government to co-operate with the United Nations and allow a visit by the Commission's Ad Hoc Working Group of Experts on Southern Africa. It noted the Sub-Commission's suggestion to appoint a rapporteur on democratic transition in South Africa.

24. Mr. MARUYAMA (Japan) observed that, even though very satisfactory measures, such as the repeal of key apartheid laws and the revision of major security legislation, had been taken and even though negotiations were continuing in the context of the Convention for a Democratic South Africa (CODESA), the situation in South Africa remained precarious. Japan condemned the recurring violence which could jeopardize the process of peaceful transformation, but was encouraged by the meeting that had taken place between President de Klerk and Mr. Nelson Mandela in September 1992 and the release of a number of political prisoners. It sincerely hoped that all the parties concerned would co-operate and resume the negotiations as soon as possible. Japan supported Security Council resolution 765 (1992) and 772 (1992) and had appreciated the Secretary-General's reports of 7 August 1992 and 29 December 1992. It had been providing assistance to the victims of apartheid on a bilateral as well as multilateral basis and supported the efforts of the

South African people to solve their serious social and economic problems, particularly in the areas of education, employment and health. It had allocated a total of $US 4.4 million for such purposes in 1992.

25. His delegation hoped that the international community would help the parties concerned in their efforts to put an end to racial discrimination, and that, as in the previous year, a draft resolution on the matter based on a fair and objective assessment of the situation prevailing in South Africa would be adopted by consensus. Furthermore, it expressed the hope that the Ad Hoc Working Group of Experts would be allowed to visit South Africa as early as possible in 1993.

26. With respect to agenda item 6, his delegation reiterated the views it had expressed during the forty-seventh session of the General Assembly. Mr. Khalifa's judgement on discontinuing his original mandate was a sensible one. Henceforth, future reports on the human rights situation in South Africa should highlight any progress made towards democracy, equality and social justice; the agenda of the Commission's next session should reflect that approach.

27. Mr. DATO MUSA HITAM (Malaysia) expressed his appreciation to the members of the Ad Hoc Working Group of Experts on Southern Africa for their devotion in fulfilling their mandate; he too regretted that it had been unable to visit South Africa. About a year previously the international community had applauded the positive developments taking place in South Africa and specifically the formulation of CODESA and the encouraging results of the referendum. However, confidence in the ability of the reform process to dismantle apartheid had been shaken by the serious violence that occurred in the townships and by the information revealed by Judge Goldstone, among others, concerning the Government's complicity with military intelligence services and members of the Inkatha Freedom Party. His delegation hoped that the South African Government would demonstrate its determination to reform.

28. Although the measures taken by the South African Government to prevent abuses by members of the security forces were welcome, the adoption of the Further Indemnity Bill was a source of concern. Under that Law, persons who had committed assassinations or crimes under the apartheid system could be exempted from the judicial process. The Law violated the fundamental right of the victims of criminal acts to the due process of law and justice. Moreover, it would appear that, despite the Record of Understanding of 26 September 1992 between the South African Government and ANC, not all political prisoners had yet been released; his delegation urged the Government to take the necessary steps to ensure their release.

29. He welcomed ANC's decision to return to the CODESA negotiating process and the South African Government's move to engage in bilateral talks with the Pan Africanist Congress of Azania (PAC). Given the fragility of the political situation, no effort should be spared in promoting the peace process; the installation in South Africa of a democratic and non-racial Government was of vital importance.

30. The Special Committee against Apartheid had emphasized in its report to the General Assembly the very serious socio-economic equalities that prevailed

in South Africa. The number of unemployed was expected to reach 8 million before the end of the decade. According to Operation Hunger, a relief organization, over 2.5 million South Africans could not even afford their basic nutritional needs. If the country was to move towards a sustainable democratic and non-racial society, those hardships and inequalities, which were products of decades of apartheid, must be given serious attention. The Commission should encourage the South African Government to take the necessary steps to redress the economic and social imbalances that were obvious in the country. Malaysia was in agreement with the recommendations made by the Ad Hoc Working Group of Experts on Southern Africa in its report and urged the South African Government to take them into account.

31. Mr. BLACKWELL (United States of America) said that the formation of the Civil Rights Movement in the United States on 1 December 1955 in Montgomery, Alabama, had marked the beginning of a long and difficult struggle in the history of race relations in the United States - long and difficult both for the Blacks determined to achieve the full equality guaranteed in the United States Constitution as well as for the Whites, forced to confront the contradictions between their behaviour and their convictions. Despite the social, legal and political gains made by the Movement, much still remained to be done, since the situation of African-Americans was in flagrant contradiction with the principle of liberty and justice for all. The fight to eliminate economic equality between Blacks and Whites had not ended, but the progress made in race relations in the United States should not be overlooked. The legal pillars of segregation had been demolished throughout the South and major battles had been won against de facto discrimination throughout the country; moreover, a panoply of laws enforcing civil rights, voting rights and fair housing afforded African-Americans rights that were important not only in themselves but also as instruments of further progress.

32. The United States was not alone in fighting racism, which knew no geographical boundaries, and the "ethnic cleansing" which was at present being practiced in the former Yugoslavia was only one of the forms - albeit the worst - that it assumed. If there was one lesson the modern world had learnt it was that racism did not yield easily to promises of goodwill or good intentions. In certain countries, such as the United States, it was based essentially on colour; elsewhere, it assumed the form of ethnic conflicts, rooted in religious, linguistic, tribal and even social differences and which often opposed persons of the same colour. That was the case in a large number of African countries and even in South Africa, where divisions in society went far deeper than the dominant split between Blacks and Whites. The danger to the world posed by spreading racism was so great that it could not prudently be ignored. Each country should, of course, confront that scourge in its own way, consistent with its traditions and institutions. That was what the United States had done; the Civil Rights Movement had found a powerful ally in the United States practice of democratic governance, individual rights and judicial guarantees.

33. Yet the time had come for the Commission on Human Rights to move beyond the affirmation of the principles contained in the Convention on the Elimination of All Forms of Racial Discrimination and to take the necessary steps not only to contain racism but also to eradicate it completely. His delegation supported the appointment of a Special Rapporteur whose task it would be to hold the world's nations to account, with a view to the eradication of racial discrimination as defined in article 1 of the Convention. Anyone who had been a victim of racism knew that it was difficult to combat, but that was the only course consistent with the high ideals that had inspired the creation of the

United Nations and the adoption of the principles embodied in the Universal Declaration of Human Rights in which all those, throughout the world, valued freedom continued to believe.

34. Mr. Ennaceur resumed the Chair.

35. Mr. KHESTOV (Russian Federation) said he was gratified by the international community's determination, which it had reaffirmed on many occasions, to eradicate apartheid. In that connection, the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was of particular importance, and it should be ratified by as many countries as possible if it was to assume a truly universal character. The measures taken under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination should also be intensified. Unfortunately, notwithstanding the international community's efforts, the basic objectives had not been achieved and millions of persons were still experiencing racism and apartheid. Although the South African Government's attitude suggested that the situation would improve, the explosions of violence that continued to rock the country were a source of concern to observers and revealed the fragility of the process under way.

36. All the elements of previous programmes that had not been implemented should be incorporated in the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination when it was carried out. He was concerned by the recent outbursts of xenophobia that had occurred in all countries of the world, and said it was most regrettable that with each passing day new racist theories emerged, making cultural differences an absolute and thus hampering integration and providing a pretext for aggressive intolerance against foreigners. That upsurge of xenophobia was confirmed by opinion surveys carried out in a large number of countries. By fanning the flames of nationalist feelings, many parties were encouraging the activities of pro-fascist groups that often resulted in serious violence.

37. The Russian Federation was also experiencing demonstrations by extremists. Anti-semitic newspapers had recently appeared, several parties had adopted the slogan "Russia for the Russians", and hostile acts were being committed against certain minorities despite the efforts of judicial bodies which were trying to curb all manifestations of xenophobia. It was sometimes difficult to strike a balance between recognition of freedom of expression and condemnation of incitement to racial hatred. The entire territory of the former USSR was affected by the problem of exaggerated nationalism. Over 250 million ethnic Russians had become stateless or aliens and the population of certain States of central Asia was extremely hostile to them, the critical situation prevailing in many regions being revealed by the flood of immigrants into the Russian Federation. In Estonia and Latvia, too, ethnic Russians were denied a number of their economic and social rights; they did not have the right freely to choose their place of residence nor the right to housing and were excluded from the civil service. That situation was particularly hard on pensioners and ex-servicemen of the former Soviet army. It was unfortunate that the injustices of the past had been replaced by another form of injustice, particularly as the national identity of the Latvians and Estonians was not really threatened. The Commission on Human Rights and the international community were under a duty to try to resolve existing conflicts and to prevent further outbursts of xenophobic violence.

38. Mr. LEMINE (Mauritania) said he was gratified by the positive developments that had taken place in South Africa since 1990, as a result of which anti-apartheid organizations were no longer prohibited, a considerable number of prisoners had been released, the state of emergency had been abolished and the legal pillars of apartheid demolished. The initiation of the CODESA political negotiations had suggested that the transition would be rapid. Unfortunately, that was not the case at the present time and South Africa continued to be administered by a minority Government and the overwhelming majority of its citizens were still denied the fundamental right of deciding their own future. Acts of violence had intensified, culminating in the Boipatong massacre which had revived memories of sinister practices that it was assumed had been done away with for ever.

39. The Goldstone Commission, the Observation Mission of the Organization of African Unity and other independent missions had all reached the conclusion that disturbances and violence had reached unprecedented proportions. The complicity of the security forces in inter community violence had also been established. The South African Government could not, on the one hand, negotiate with democratic movements and on the other encourage or stir up violence. It should therefore tackle the causes of such violence in a frank manner, specifically by purging the security forces of extremist elements and disbanding private militias. Moreover, the administrative, political and cultural underpinnings of apartheid, including the Bantustans, should be completely dismantled. That process should lead to the establishment, as soon as possible, of a united, democratic and non-racial society in South Africa.

40. The socio-economic inequalities that had been institutionalized were such that it was illusory to believe that real democracy could be established on existing foundations, and the most difficult task would certainly be the abolition of economic apartheid. The international community should support the movement under way by maintaining pressure on the South African Government and pressing for the resumption of constitutional negotiations so that true democracy could be established in South Africa.

41. Ms. WENSLEY (Australia) observed that the elimination of apartheid had been a long standing priority of the Commission and a major objective of the two Decades to Combat Racism and Racial Discrimination. The elimination of apartheid was now an irreversible process in South Africa, but the international community should ensure that all the institutions of apartheid were totally dismantled and that a truly democratic system was established in the country. Her Government's full commitment to the elimination of apartheid had been reflected in the pressure which it, together with its Commonwealth partners, had exerted on the South African Government with a view to the creation of a multi-racial democratic society based on social justice and freedom for all. Australia was a leading advocate of a policy that entailed the phased lifting of sanctions against South Africa linked to the implementation of real and practical steps to end apartheid. Australia had accordingly lifted its people-to-people sanctions in 1991 but maintained trade and financial sanctions and the arms embargo.

42. Despite the white electorate's overwhelming support for President de Klerk in the March 1992 referendum, the situation in South Africa remained tinged with uncertainty. That was due to the collapse, in May 1992, of the plenary meeting of CODESA and to continued human rights violations and widespread political violence. In that respect Australia was particularly

concerned by the cases of human rights violations referred to in the report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/1993/14) and in particular by the suspicious deaths of over 100 persons in police custody during 1992. Furthermore, over 3,000 persons were reported to have died the previous year in township violence which had culminated in the Boipatong and Ciskei massacres in June and September 1992. The Australian Government condemned those massacres in the strongest terms and urged the South African Government to take action to ensure that the perpetrators were rapidly brought to justice. It abhorred all acts of violence, regardless whether they were committed by ANC or the South African authorities.

43. The problem was, of course, an extremely complex one and its solution inevitably depended on the determination of all parties to commit themselves to the achievement of peace and stability through dialogue. Australia applauded the work of the Goldstone Commission and hoped it would continue its work successfully. Although the issue was above all one for South Africa itself to confront, the international community had on several occasions demonstrated its desire to help assure the transition to a post-apartheid Government. As an active member of the Commonwealth, Australia was gratified by the co-operation received from all parties. However, it was disappointed that the Ad Hoc Working Group had been unable to visit South Africa during 1992 and called upon the South African Government to receive it in 1993 so that it could carry out its mandate. Political violence would only delay but not prevent the advent of a democratic South Africa. It could, however, have adverse consequences for the harmony and prosperity of the country once apartheid had been eliminated.

44. Her Government welcomed the recent resumption of bilateral talks between the South African Government and ANC, Inkatha and the South African groups concerned. It also welcomed the announcement by President de Klerk the previous month that he would reform the education system and draw up a programme to promote a culture of human rights. It was also gratified by the agreement reached in 1992 with ICRC, enabling the latter to have access to uncharged detainees. Her delegation hoped that the Commission would, at its present session, decide to continue its support, in association with other United Nations bodies, of the transition process under way in South Africa.

45. Mr. ABUGIDERI (Sudan) commended the work of the Ad Hoc Working Group of Experts on Southern Africa which was reflected in its report (E/CN.4/1993/14). His delegation noted with dismay the deterioration of the situation in South Africa and particularly the alarming number of deaths recorded in less than one year as a result of political violence at a time when negotiations were under way with a view to paving the way for the transition to a democratic regime. The South African Government's declared intention of co-operating with the United Nations in order to abolish the apartheid system would be meaningless if the Ad Hoc Working Group of Experts was refused permission to visit the country in order to carry out its mandate. His delegation considered that all members of the Commission should exert every possible pressure on the South African regime in order to obtain its co-operation.

46. The South African authorities must inevitably be held responsible for the escalation of violence and its adverse consequences for the social life and the economy of their country. Their attitude was likely to undermine the confidence of the various groups and parties involved in the constitutional negotiations. It was regrettable to note, from the report of the Ad Hoc Working Group of Experts, that the judicial system in South Africa was used by the Government as

an instrument to perpetuate apartheid. The Sudanese Government reaffirmed its support for the recommendations contained in that report.

47. His delegation had also taken note of the report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities (E/CN.4/Sub.2/1992/12/Add.1). It was gratified by the various measures adopted by the Commission on Human Rights against the South African regime which would remain in force until the apartheid system had been completely eliminated. It also considered that the appointment of a rapporteur responsible for the annual submission of a report on the transition to democracy of South Africa was a necessary step.

48. Noting that the Secretary-General stated in his report on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1993/52) that only 95 states had ratified or acceded to it, he urged those States which had not yet done so to become parties to the Convention as soon as possible. He also noted that, in paragraph 7 of his report, the Secretary-General stated that limited progress had been made between the South African authorities and the political leaders of the majority of the population and that the Group of Three had reiterated its conviction that the maintenance of comprehensive and mandatory sanctions, as well as other forms of pressure against the racist regime in South Africa was an effective and important means available to the international community for putting an end to the system of apartheid. The non-governmental organizations should also follow with greater attention the atrocities and massive violations of human rights being committed in South Africa.

49. The Programme of Action for the Second Decade to Combat Racism and Racial Discrimination was certainly an effective measure and the activities it covered should be intensified. For that reason, his Government supported the inclusion of the topics referred to in paragraph 14/B of the Secretary-General's report on the implementation of that Programme (E/CN.4/1993/55). The Programme of Action for the Third Decade should include an educational element and, in general, should be part and parcel of the overall reform of post-cold war international relations aimed at correcting the imbalances that prevailed between the northern and southern hemispheres.

50. In conclusion, he said that his Government did not support any waiver or dilution of the sanctions imposed on the South African regime so long as the resolutions of the Security Council, the General Assembly and the Commission had not been fully complied with and apartheid and its associated problems had not been completely eradicated.

51. Mrs. PARK (Canada) said it was gratifying to note that considerable progress had been made by the South African Government in the course of the past three years. The positive steps taken included the removal of the ban on political organizations, the release of many political prisoners, the repeal of most apartheid laws, the partial reform of the security services and the repatriation of thousands of political exiles. Those changes should help promote an environment conducive to further political and social progress in South Africa.

52. However, Canada deplored the breakdown of talks in May 1992 and the subsequent increase in political acts of violence. Nevertheless, there had been some recent indications that a new round of multilateral negotiations might soon take place and that a generally-acceptable political agreement was within sight. As it was for the people of South Africa to determine the nature of their new constitutional order, Canada would simply continue to support actively the constitutional process under way and stand ready to assist in implementing its outcome.

53. Thousands of South Africans died each year in political and criminal violence which was a serious threat to the success of the democratic transition process. The South African Government must act with greater firmness in order to restore confidence in the security forces and react to the frequent allegations of their complicity in acts of violence. Security Council resolution 772 (1992) that called for the sending of international observers to South Africa in support of the National Peace Accord structures had emphasized the international community's concern about the continued violence in South Africa. Apartheid was nowhere more in evidence at the present time than in the area of housing and employment. The millions of South Africans who had lost their homes as a result of forced removals had few remedies available to them under the present law. The lack of education opportunities for non-White South Africans persisted and racial discrimination in employment practices continued. Moreover, additional measures had to be taken to ensure the full participation of black women in South African society, since they carried a double burden of discrimination.

54. The new democratic Government of South Africa which could be in place within one or two years would thus have to face many pressing social and political challenges. In the meantime the current Government should endeavour to protect human rights throughout South Africa. In that connection her delegation welcomed President de Klerk's recent announcement that South Africa intended to ratify several important international conventions on the rights of women and children and against torture.

55. All democratic groups in South African society had a direct responsibility to ensure that basic human rights were respected in all areas as a means of promoting a climate of democratic tolerance. Canada continued to support the multiparty negotiations process and to encourage the education of South Africans in the responsibilities and rights of citizens in a democratic society.

56. Apart from the South African problem, the Commission on Human Rights had to tackle the problem of racism in general, which was reflected in the tragic events which were taking place in the former Yugoslavia and which constituted one of the greatest challenges facing the international community at the present time. Whereas cultural diversity was increasingly becoming a characteristic of most societies, many countries were experiencing an intensification of racial tensions. Too many groups in too many countries had suffered from expulsion and mass displacement, constant harassment or the outright physical elimination of their members simply because they were different.

57. Canada was a multi-cultural country and concerted efforts to promote harmonious race relations had been an integral part of the Government's multi-culturalism policy since 1982. The fight against racism and the elimination of discrimination required constant vigilance in all sectors of

society, including judicial institutions, educational establishments, the media and social services.

58. Canada was therefore gratified by the conclusion of the discussions on the Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities. What remained to be done was to ensure that all States did everything possible to implement its provisions and that the United Nations was properly equipped to monitor such its implementation effectively. Canada was also pleased with the decision of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to amend that instrument so that the Committee could be funded from the regular United Nations budget.

59. Finally, there was a need for monitoring mechanisms which went beyond the system of treaty bodies. The Sub-Commission on Prevention and Discrimination and the Protection of Minorities had, to that end, proposed that the Commission should appoint a special rapporteur on contemporary forms of racism and racial discrimination. Endorsement of that proposal, which was supported by her Government, would demonstrate the Commission's determination to tackle a problem that threatened peace and justice in many parts of the world.

60. Mr. VELTHEIM (Finland), speaking on behalf of the Nordic countries, recalled that in 1992 the Commission had adopted a resolution in which it welcomed the overall progress made in dismantling apartheid in South Africa. At the same time the Commission had once more expressed its deep concern about the escalation of violence in that country and had urged the South African Government to exercise effectively its responsibility to maintain law and order and to protect human lives and property. The previous year in South Africa had been a difficult one, and racial tension had again claimed many lives. It was the South African Government's responsibility to remedy the situation and the Nordic countries urged all other parties to show maximum restraint and to commit themselves firmly to peaceful change. They were also of the view that the presence of United Nations observers as well as other international observers would serve an essential purpose and should therefore be extended. Furthermore, they noted with satisfaction that the talks between the Government of South Africa and ANC had recently been resumed; it was to be hoped that a transitional executive council could be created in the spring of 1993, since that would be an important step towards the holding of general, non-racial national elections.

61. The Nordic countries urged all parties in South Africa to facilitate and speed up the negotiations so that the country could achieve a new democratic constitution as soon as possible and thereafter be able to participate fully in economic co-operation both on a regional as well as international level.

62. Mrs. CHEN Wangxia (China) observed that, at its forty-eighth session, the Commission had reaffirmed that it favoured the maintenance of the sanctions imposed on South Africa until the apartheid system had been completely dismantled. A year later, it could be noted that, under pressure both from home and abroad, the South African Government had taken some positive steps in the direction of democratization. Yet the present situation was far from meeting the Commission's demands as expressed in its resolution, and apartheid had certainly not been eliminated. The black population was still not enjoying the same political, economic and social rights as the white minority. Her delegation therefore considered that the South African Government should adopt

effective measures to remove obstacles to the negotiations, put an end to racial violence and allow the resumption of constitutional negotiations as soon as possible.

63. The Chinese delegation was glad to note that the General Assembly had decided, at its forty-seventh session, to launch the Third Decade to Combat Racism and Racial Discrimination in 1993. As the principal body responsible for human rights matters within the United Nations system, the Commission should continue to give priority to consideration of that question. It was unfortunate that some of the major objectives embodied in the Programme of Action for the Second Decade had not been attained; certain forms of racism were developing in various regions of the world and ethnic conflicts, xenophobic disturbances and even racial violence were becoming more frequent. Her delegation therefore considered that it should once again be declared, in connection with the Third Decade, that all forms of racism and racial discrimination and especially those caused by institutionalized apartheid or officially-encouraged racial superiority or xenophobia constituted the most serious violations of human rights and that all possible measures should be taken to fight them. The Programme of Action for the Third Decade should not only include the objectives of the Programme of Action for the Second Decade that it had been unable to achieve but also cover certain new forms of racism and racial discrimination, such as racial and religious intolerance and xenophobia. In that respect her delegation supported the proposal to appoint special rapporteurs or to set up working groups in order to study the matter. It hoped that the United Nations Secretary-General would complete the formulation of the Programme of Action for the Third Decade as soon as possible so that it could be translated into concrete measures aimed at eliminating racism, racial discrimination and apartheid.

64. Mr. PINTA GRAMA (Brazil) said that Brazil's Federal Constitution explicitly prohibited discrimination on the basis of sex, race, religion and nationality and stipulated that the practice of racism was a crime. His delegation was keenly interested in the work of the Committee on the Elimination of Racial Discrimination and Brazil warmly supported the decision of States parties to fund the Committee's activities through the United Nations regular budget.

65. The emergence of new forms of racism and the resurgence of xenophobia that took the form of acts of violence against refugees, asylum-seekers, foreigners and ethnic minorities - and whose most unacceptable manifestation was the practice of "ethnic cleansing" - constituted a new challenge for the international community. His delegation noted with appreciation the Secretary-General's report on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1993/55) and supported the idea of launching the Third Decade in 1993; it was gratified to note that that proposal had been approved unanimously by the General Assembly at its last session. Brazil also supported the recommendation made by the Sub-Commission on Prevention of Discrimination and the Protection of Minorities to appoint a special rapporteur on contemporary forms of racism.

66. Referring to agenda items 5 and 6, he said that Brazil strongly supported United Nations efforts to establish a peaceful, multi-racial and democratic society in South Africa. In its final report, the Ad Hoc Working Group of Experts on Southern Africa had noted that, although the laws which were regarded as pillars of apartheid had been abrogated, de facto apartheid still existed and

the 1983 Constitution remained unchanged. Nevertheless, Brazil continued to believe in a real transition leading to the complete and irreversible eradication of apartheid and the elaboration as soon as possible of a new democratic constitution.

67. Lastly, the Brazilian delegation supported the recommendation made by the Sub-Commission in its resolution 1992/6 concerning the appointment, from among its members, of a special rapporteur to report on the progress made towards democracy, equality and social justice in South Africa.

68. THE CHAIRMAN invited representatives of States, members or observers wishing to do so to exercise their right of reply.

69. Mr. AL-DOURI (Observer for Iraq) noted that the Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland had said that the situation in Iraq was exceptional. That was true, but the entire world was aware that Great Britain, which was hostile to Iraq, was at the origin of many of the ills experienced by that country both in the past as well as at the present time.

70. The Iraqi people was indeed living in difficult conditions which were due to the embargo imposed by the coalition countries opposed to Iraq, of which the United Kingdom was one. He emphasized in that connection that the United Kingdom delegation had consistently opposed Iraqi requests to import not luxury products but basic necessities for the Iraqi people. The United Kingdom's concern for the Iraqi people was therefore quite hypocritical - that of the aggressor for its victim.

71. Mr. AINSO (Observer for Estonia) noted that the representative of the Russian Federation had claimed that Russian speakers living in Estonia were stateless in their own country. But surely it was worth remembering that Estonia had become a Russian-speaking country as a result of aggression and that, during the subsequent period of occupation, the land of Estonians had been confiscated and their industries nationalized without compensation. No one had been deprived of their citizenship by Estonia which, on the contrary, had restored Estonian citizenship to Estonians. Moreover, it offered that same citizenship to Russian speakers, in accordance with the practice followed in civilized countries as well as the treaty concluded by the Russian Federation and Estonia in January 1991. Moreover, it was incorrect that persons not possessing Estonian citizenship did not have the right to choose their place of residence nor the right to housing or employment in the civil service.

72. Mrs. KALNLETE (Observer for Latvia) said that the Latvian Government had always been prepared to engage in a constructive dialogue with the Russian Federation on any problem that might arise between the two States. It was worth emphasizing, however, that under Latvian law all persons, whether Latvian citizens or not, enjoyed freedom of movement, assembly and place of residence. However, the question of the rights of ex-servicemen of the former Soviet army, on active service and retired as well as of their families, was still outstanding. That question had been taken up in bilateral negotiations and Latvia was prepared to take measures to guarantee the rights of those persons providing that they did not jeopardize the sovereignty and security of the country and were in accordance with norms of international law concerning the

presence of foreign armed forces on the territory of a State. Moreover, there was no legal international norm that the Russian Federation could invoke to require Latvia to make housing available free of charge to the military, to grant them freedom of movement within the country, or to allow them to cross frontiers freely.

73. The problem posed by ex-servicemen of the former Soviet army and retired members of KGB was also delicate. Indeed, a large number of such persons were members of the Union for the Protection of the Rights of Ex-Servicemen as well as other bodies which co-operated with various "hard line" associations of the Russian-speaking community, whose goal was the restoration of the Soviet Union. Those persons constituted a danger for Latvia's peace and security. Nevertheless, they were being treated exceptionally well; they enjoyed the same social security coverage as other citizens, the right to education, freedom of movement and assembly, as well as many other rights.

74. Mr. MALGHINOV (Russian Federation) said it was gratifying to note that Latvia and Estonia had at last agreed to discuss the problems that arose in that part of the world. His delegation had considered it necessary to express in the Commission some of the fears that were at present being felt in Russia about the fate of the many ethnic Russians who still lived in those two States. It reserved the right to revert to the problem in more detail in subsequent statements.

The meeting rose at 1.10 p.m.